

UNITED STATES DISTRICT COURT

for the
Western District of New York

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Cell Phones recovered on September 9, 2015, in Buffalo,
NY, from 191 Orleans Ave, Building C, Apt 2; 254 Bissell
Ave, Upper; and 74 Ramsdell Ave, Rear Apt.

Case No. 15-17-1107

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the Western District of New York, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

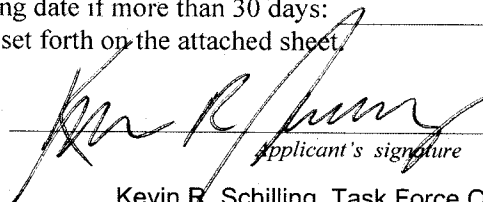
- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. §§ 841(a)(1), 846	Possession with intent to distribute marijuana and conspiracy thereto
18 U.S.C. § 1956(h)	Conspiracy to launder monetary instruments

The application is based on these facts:
See attached Affidavit of DEA Task Force Officer Kevin R. Schilling.

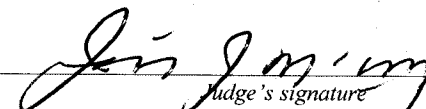
- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature
Kevin R. Schilling, Task Force Officer, DEA
Printed name and title

Sworn to before me and signed in my presence.

Date: 9/29/15

City and state: Buffalo, New York


Judge's signature
Jeremiah J. McCarthy, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION
FOR SEARCH WARRANT**

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

KEVIN R. SCHILLING, being duly sworn, deposes and says:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of property — cellular telephone devices, their SIM cards, and component parts — which is currently in law enforcement possession, and the extraction from that property of electronically stored information described in Attachment B.

2. I am a Task Force Officer (TFO) with the Drug Enforcement Administration (DEA) and as such, I am an “investigative or law enforcement officer” of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in the Comprehensive Drug Abuse Prevention and Controlled Substance Act of 1970, Title 21 of the United States Code (USC), as amended. I have been a TFO with the DEA since August 2014. Prior to my assignment to the DEA, I was assigned as a Narcotics Investigator for thirteen years with the NFTA Police Department. I have been employed by the NFTA Police Department as a sworn law enforcement officer since December 1984. As part of my assignment with the DEA, I successfully completed DEA basic task force agent training, an intensive course covering all aspects of drug enforcement. During my law

enforcement career, I have participated in numerous investigations targeting individuals engaging in the trafficking and distribution of narcotics. Based on my training, experience in law enforcement, and conversations with DEA Special Agents (SAs), TFOs and other law enforcement officers, I am familiar with how controlled substances are cultivated, manufactured, processed, packaged, distributed, sold and used by individuals involved in drug trafficking activities, and how drug traffickers use electronic communications to facilitate their illegal activities. As a result of my training and experience, I am familiar with the language, conduct and customs of people engaged in narcotics transactions conspiracies. My investigative experience, as well as the experience of other law enforcement agents who are participating in this investigation, serve as the basis for the opinions and conclusions set forth herein. I have assisted in investigations that involved monitoring and recording of court-authorized Title III interceptions. I have been involved in this investigation since its inception, as discussed in greater detail below.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF THE DEVICES TO BE EXAMINED

4. The electronic devices to be searched are:

- (A) Silver/Black Samsung Cellular Telephone S/N: R21F37EJD7L
- (B) White/Black LG Cellular telephone S/N: 502CYVU1082111
- (C) Black Alcatel OneTouch Model 2017P FCC ID: RAO506.
- (D) Black Verizon LG Cell Phone 4G LTE
- (E) Black Alcatel One Touch Flip Phone FCC ID: RAD506
- (F) Black Samsung Cellular Phone SN: R21D11S1JHX
- (G) Blue and Black Samsung Galaxy S6 Edge, SKU: SPHG92832BKS

- (H) GYK Samsung cellular telephone FCC ID: A3LSCH1545
- (I) White Galaxy Samsung S4 cell phone SKU: SCH1545PWVPS
- (J) Silver Samsung Galaxy S6 Edge DEC: 256691545800100672
- (K) Samsung Galaxy S6 cellphone (Blue and silver, SM-G920P/FCC ID: A3LSMG920P).
- (L) Samsung Cellphone (White with black rubber protector, SM-G920P, FCC ID: A3LSMG920P, DEC: 256 691 544 810 057 814).
- (M) Samsung cellphone (Black, SGH-T399N, FCC ID: A3LSGHT399
- (N) One ZTE cellphone (Black, ZTE N9515, FCC ID: SRQ-ZTEN9515
- (O) One White Apple I Phone Model A1453

(collectively, "phones to be searched")

5. The electronic devices to be searched are currently located at 535 Washington Street, Buffalo, NY 14203.

6. The applied-for warrant would authorize the forensic examination of the electronic devices to be searched for the purpose of identifying electronically stored data particularly described in Attachment B.

PROBABLE CAUSE

5. On May 29, 2015, law enforcement officers began investigating the drug trafficking activities of Shaquata HENNINGS and Damarcus HENNINGS. Both individuals had been receiving Federal Express packages containing marijuana. The packages were being shipped by Dashawn ABRAMS in Denver, CO.

6. Between April 1, 2015 and August 31, 2015, Shaquata and Damarcus HENNINGS received over 100 packages from ABRAMS containing marijuana. During

the course of the investigation, officers conducted numerous surveillance details, observing and videotaping the deliveries. Through these details, it was found that Federal Express courier Arthur CLARK was involved in the drug trafficking activities. Evidence showed CLARK and the HENNINGS often communicated via cellular phone to arrange meet spots and delivery locations. HENNINGS also regularly contacted Dashawn ABRAMS through both calls and texts to order marijuana. Investigation also showed that Shahana BEAVER, girlfriend of Damarcus HENNINGS; and Janice HUMPHREY, girlfriend of Shaquata HENNINGS, were also involved in receiving marijuana, and depositing money into ABRAMS bank accounts in Denver, Co. Bank surveillance footage showed both Shaquata and Damarcus HENNINGS utilizing their cell phones while making bank deposits into Dashawn ABRAMS' accounts.

7. On September 1, 2015, the Honorable H. Kenneth Schroeder, Jr., signed a Criminal Complaint alleging violations of 21 U.S.C § 846 (Conspiracy to possess with intent to distribute, and to distribute, marijuana), 21 U.S.C § 841(a)(1) (Possession with intent to distribute marijuana), and 18 U.S.C § 1956(h), (Conspiracy to launder monetary instruments) against, and authorized Arrest Warrants for, Dashawn ABRAMS, Shaquata HENNINGS, Damarcus HENNINGS, Shahana BEAVER, Janice HUMPHREY, and Arthur CLARK. He also authorized a Search Warrant for 191 Orleans Ave, Building C, Apt 2, residence of Damarcus HENNINGS and Shahana BEAVER.

8. On Wednesday, September 9, 2015, law enforcement officers executed the Arrest Warrants, and the Search Warrant at 191 Orleans Ave, Building C, Apt 2. Phones

A-J among the phones to be searched were located in the possession of Damarcus HENNINGS and Shahana BEAVER at 191 Orleans Ave, Building C, Apt 2; phones K-N among the phones to be searched were located in the possession of Shaquata HENNINGS and Janice HUMPHREY at 254 Bissell Ave, Upper; and phone O of the phones to be searched was located in the possession of Arthur CLARK at 74 Ramsdell Ave, Rear Apt. Investigation revealed that these phones had been utilized to further the group's drug trafficking activities through ordering marijuana, arranging delivery locations, and the movement of drug proceeds back to ABRAMS in Denver.

9. After rights advisement and waiver thereof, Shaquata HENNINGS, Damarcus HENNINGS, and Arthur CLARK each answered post-arrest questions. Each of them stated that they had used their telephones to communicate via text messages and phone calls with each other as well as with Damarcus ABRAMS in Denver to further facilitate the marijuana and money laundering activities of the drug trafficking organization.

10. The electronic devices to be searched are currently in storage at 545 Washington Street, Buffalo, NY 14203. In my training and experience, I know that the electronic devices to be searched have been stored in a manner in which their contents are, to the extent material to this investigation, in substantially the same state as they were when they first came into the possession of the DEA.

USE OF ELECTRONIC DEVICES BY TARGETS OF THE INVESTIGATION

11. A cellular or mobile telephone is a handheld wireless device used primarily for communication through radio signals sent through networks of transmitter/receivers called "cells," thereby communicating with other cellular telephones and/or "land line" telephones. A cellular telephone usually has a "call log," which records the number, date, and time of calls made to and from the device. In addition to voice communication, cellular telephones have a broad range of capabilities, including storing names and telephone numbers in electronic address books; sending, receiving, and storing text messages and emails; taking, sending, receiving, and storing photographs and videos; storing and playing audio files; storing appointments and other data on personal calendars; and accessing and downloading information from the Internet. Cellular telephones also may have global positioning system (GPS) technology used to determine the location of the device. Based on my training and experience in this and other investigations, individuals involved in drug trafficking often use cellular telephones and other electronic devices to communicate with others in furtherance of those unlawful activities, including regarding delivery, transportation, storage, and distribution of controlled substances and drug proceeds.

12. Based on my training and my experience, narcotics traffickers often use multiple cellular telephones and electronic devices to evade detection by law enforcement, and to compartmentalize their communications, so individuals at higher levels of the drug distribution network are insulated from the lower level drug associates and customers. Using several communication devices to communicate with a few members of the drug network better insures that no one cellular device is associated with the illicit organization.

In addition, using multiple devices for a short period of time (commonly referred to as “flipping phones”), allows drug dealers to conceal their identity.

13. As set forth above, information developed during the investigation demonstrates that Damarcus HENNINGS, Shaquata HENNINGS, Arthur CLARK and others are engaging in drug-trafficking, and are part of an organization that uses electronic devices to further that unlawful activity. Thus, I believe that the 15 phones to be searched contain not only evidence establishing that marijuana was being distributed by the HENNINGS (Damarcus and Shaquata), CLARK, and others, but also will contain information and evidence that will assist in identifying other co-conspirators and associates, and establishing the full extent of the drug-trafficking activities.

AUTHORIZATION TO SEARCH

14. Based on my training and experience, my participation in this and other narcotics investigations, and my discussions with other law enforcement, I have learned that narcotics traffickers distributing marijuana and other controlled substances, frequently maintain information concerning their unlawful activities, such as text messages, contact information, email addresses, telephone numbers, and photographs, in cellular telephones. As a result, it is believed that the Items to be Searched are evidence of and contain evidence of violations of 21 U.S.C §§ 841(a)(1) and 846, and 18 U.S.C § 1956(h).

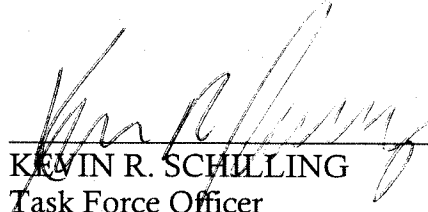
15. Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant I am applying for would permit the examination of the electronic devices to be searched

consistent with the warrant. The examination may require authorities to employ techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of the device to human inspection in order to determine whether it is evidence described by the warrant.

16. Because this warrant seeks only permission to examine electronic devices already in law enforcement's possession, the execution of this warrant does not involve the physical intrusion into a premises. Consequently, I submit there is reasonable cause for the Court to authorize execution of the warrant at any time in the day or night.


CONCLUSION

17. I submit that this affidavit supports probable cause for a search warrant authorizing the examination of the electronic devices described in Attachment A to seek the items described in Attachment B.



KEVIN R. SCHILLING
Task Force Officer
Drug Enforcement Administration

Sworn to before me
this ~~15~~²⁴ day of September, 2015.



HONORABLE JEREMIAH J. MCCARTHY
United States Magistrate Judge

ATTACHMENT A

The phones to be searched, which are located at located at 535 Washington Street, Buffalo, NY 14203, are:

- (A) Silver/Black Samsung Cellular Telephone S/N: R21F37EJD7L
- (B) White/Black LG Cellular telephone S/N: 502CYVU1082111
- (C) Black Alcatel OneTouch Model 2017P FCC ID: RAO506.
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- (F) Black Samsung Cellular Phone SN: R21D11S1JHX
- (G) Blue and Black Samsung Galaxy S6 Edge, SKU: SPHG92832BKS
- (H) GYK Samsung cellular telephone FCC ID: A3LSCH1545
- (I) White Galaxy Samsung S4 cell phone SKU: SCH1545PWVPS
- (J) Silver Samsung Galaxy S6 Edge DEC: 256691545800100672
- (K) Samsung Galaxy S6 cellphone (Blue and silver, SM-G920P/FCC ID: A3LSMG920P).
- (L) Samsung Cellphone (White with black rubber protector, SM-G920P, FCC ID: A3LSMG920P, DEC: 256 691 544 810 057 814).
- (M) Samsung cellphone (Black, SGH-T399N, FCC ID: A3LSGHT399
- (N) One ZTE cellphone (Black, ZTE N9515, FCC ID: SRQ-ZTEN9515
- (O) One White Apple I Phone Model A1453

This warrant authorizes the forensic examination of the foregoing devices for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT B

1. All records on the devices described in Attachment A that relate to violations of 21 U.S.C § 846; 21 U.S.C § 841(a)(1); and/or 18 U.S.C § 1956(h), including:

- a. Records of telephone calls, including incoming, outgoing, and missed calls, contact information, including addresses, email addresses and telephone numbers, documents and files that reflect names, email addresses, email messages, addresses, telephone numbers and objects related to marijuana trafficking, and photographs related to marijuana trafficking and marijuana trafficking associates;
- b. Text messages and emails related to marijuana trafficking;
- c. Records regarding ownership of and/or possession of the Items to be Searched; and
- d. Electronic information, data, addresses, maps, and recordings of travels, destinations, intended travels, approximate ground position by utilizing satellites, including historical information, navigation routes, satellite waypoints, saved addresses, destination points, location, speed, and other positioning data.

As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

2. Evidence of user attribution showing who used or owned the electronic devices described in Attachment A at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history.